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 Of Attorneys for Defendants
 Alireza Zamanizadeah, a/k/a Ali
 Zamani and Adult Care Search

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

ANGELA TORRES, an individual,

Plaintiff,

v.

**ALIREZA ZAMANIZADEH, a/k/a ALI
 ZAMANI, an individual, and ADULT
 CARE SEARCH, a foreign non-profit
 corporation,**

Defendants.

Case No. 3:17-cv-01270-AC

**ANSWER, AFFIRMATIVE
 DEFENSES, COUNTERCLAIMS,
 AND DEMAND FOR JURY TRIAL
 UNDER FRCP 38**

For its Answer and Affirmative Defenses to the Complaint of Plaintiff, Angela Torres (hereinafter referred to as “Plaintiff”), Defendants Alireza Zamanizadeh a/k/a Ali Zamani and Adult Care Search (hereinafter referred to as “Defendants”), by and through its attorneys Timothy J. Calderbank of Landerholm, P.S., admits, denies and alleges as follows:

JURISDICTION AND VENUE

1.

Defendants admit the allegations contained in paragraph 1 of Plaintiff’s Complaint.

PARTIES

2.

Defendants admit the allegations contained in paragraph 2 of Plaintiff's Complaint.

3.

Defendants admit the allegations contained in paragraph 3 of Plaintiff's Complaint.

4.

Defendants admit the allegations contained in paragraph 4 of Plaintiff's Complaint.

GENERAL ALLEGATIONS

5.

Defendants deny the allegations contained in paragraph 5 of Plaintiff's Complaint.

6.

Defendants admit that Plaintiff was eager to initiate and continue a romantic relationship with Defendant Zamani, but that he mostly rebuffed such advances.

7.

Defendants deny the allegations contained in paragraph 7 of Plaintiff's Complaint.

8.

Defendants deny the allegations contained in paragraph 8 of Plaintiff's Complaint.

9.

Defendants deny the allegations contained in paragraph 9 of Plaintiff's Complaint.

1 10.

2 Defendants deny the allegations contained in paragraph 10 of Plaintiff's
3 Complaint.

4 11.

5 Defendants admit they shared property photos with Plaintiff but deny the
6 remaining allegations contained in paragraph 11 of Plaintiff's Complaint.

7 12.

8 Defendants deny the allegations contained in paragraph 12 of Plaintiff's
9 Complaint.

10 13.

11 Defendants deny the allegations contained in paragraph 13 of Plaintiff's
12 Complaint.

13 14.

14 Defendants admit / deny the allegations contained in paragraph 14 of Plaintiff's
15 Complaint.

16 15.

17 Defendants admit Defendant Zamani returned from Iran and deny the remaining
18 allegations contained in paragraph 15 of Plaintiff's Complaint.

19 16.

20 Defendants deny the allegations contained in paragraph 16 of Plaintiff's
21 Complaint and are otherwise without sufficient information to form a belief.

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23 ///

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26 ///

FIRST CLAIM FOR RELIEF

FRAUD

17.

Defendants answer paragraphs 1 through 16 of Plaintiff's Complaint by re-alleging – and incorporating herein by this reference – the admissions, denials, and affirmative allegations set forth above.

18.

Defendants deny the allegations contained in paragraph 18 of Plaintiff's Complaint.

19.

Defendants deny the allegations contained in paragraph 19 of Plaintiff's Complaint.

20.

Defendants deny the allegations contained in paragraph 20 of Plaintiff's Complaint.

21.

Defendants deny the allegations contained in paragraph 21 of Plaintiff's Complaint.

22.

Defendants deny the allegations contained in paragraph 22 of Plaintiff's Complaint.

23.

Defendants deny the allegations contained in paragraph 23 of Plaintiff's Complaint.

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24.

Defendants deny the allegations contained in paragraph 24 of Plaintiff's Complaint.

25.

Defendants deny the allegations contained in paragraph 25 of Plaintiff's Complaint.

26.

Defendants deny the allegations contained in paragraph 26 of Plaintiff's Complaint.

SECOND CLAIM FOR RELIEF

UNJUST ENRICHMENT

27.

Defendants answer paragraphs 1 through 26 of Plaintiff's Complaint by re-alleging – and incorporating herein by this reference – the admissions, denials, and affirmative allegations set forth above.

28.

Defendants deny the allegations contained in paragraph 28 of Plaintiff's Complaint.

29.

Defendants deny the allegations contained in paragraph 29 of Plaintiff's Complaint.

30.

Defendants deny the allegations contained in paragraph 30 of Plaintiff's Complaint.

All allegations not expressly admitted are denied.

1 FURTHER ANSWERING PLAINTIFF'S COMPLAINT AND BY WAY OF
2 AFFIRMATIVE DEFENSES, Defendants Alireza Zamanizadeh, a/k/a Ali Zamani and
3 Adult Care Search alleges:

4 **AFFIRMATIVE DEFENSES**

5 For its Affirmative Defenses, Defendants Alireza Zamanizadeh, a/k/a Ali
6 Zamani and Adult Care Search allege as follows:

7 1.

8 **FIRST AFFIRMATIVE DEFENSE**
9 **(Failure to State a Claim)**

10 Plaintiff has failed to allege sufficient facts to state claims for which relief may
11 be granted.

12 2.

13 **SECOND AFFIRMATIVE DEFENSE**
14 **(Contributory Negligence)**

15 The damages at issue in this matter, if any, were caused, in whole or in part, by
16 the negligence of Plaintiff and/or by those for whom Plaintiff is responsible.

17 3.

18 **THIRD AFFIRMATIVE DEFENSE**
19 **(Fault of Others)**

20 The damages at issue in this matter, if any, were caused in whole or in part, by
21 the fault of others.

22 4.

23 **FOURTH AFFIRMATIVE DEFENSE**
24 **(Estoppel/Waiver)**

25 By its acts and omissions, Plaintiff has, in whole or in part, waived its right to
26 assert claims, or are estopped from asserting claims, in this matter.

///

///

1 5.

2 **FIFTH AFFIRMATIVE DEFENSE**
 3 **(Failure to Mitigate)**

4 Plaintiff failed to take all reasonable and necessary steps to mitigate the damages
 5 at issue in this matter.

6 6.

7 **SIXTH AFFIRMATIVE DEFENSE**
 8 **(Unclean Hands)**

9 Plaintiff is barred from asserting claims against Defendants under the doctrine of
 10 unclean hands.

11 Defendants reserve the right to amend this Answer and Affirmative Defenses to
 12 conform to the evidence.

13 **FIRST COUNTERCLAIM**
 14 **(Negligence)**

15 7.

16 Plaintiff was aware that Defendant Zamani was conducting sensitive business
 17 matters in the Republic of Iran. She was aware that his communications were being
 18 monitored while he was in the Republic of Iran, and Defendant Zamani instructed
 19 Plaintiff not to contact him while he was there and to not discuss certain matters as such
 20 communications were monitored by the State.

21 Plaintiff was aware that if she communicated with Defendant Zamani while he
 22 was in the Republic of Iran the security forces would use such communications as a
 23 pretext for detaining Defendant Zamani and demand a “ransom” for his release.

24 8.

25 Plaintiff owed Defendant a duty to take or not take reasonable actions to not
 26 endanger Defendant Zamani’s person or property and did breach said duties by directly

1 contacting the Defendant while he was in Iran and by discussing certain matters while
2 knowingly under surveillance.

3 9.

4 It was reasonably foreseeable that such actions and omissions by Plaintiff would
5 result in harm or property damages to Defendant Zamani. As a direct and proximate
6 result of Plaintiff's negligence, Defendants have incurred damages to be proven at trial,
7 but in an amount not less than \$650,000.00.

8 **SECOND COUNTERCLAIM**
9 **(Attorneys' Fees)**

10 10.

11 As a prevailing party, Defendants are entitled to an award of their expert and
12 attorneys' fees and costs pursuant to the applicable terms of any contract between the
13 parties and/or pursuant to statute and/or under principles of common law indemnity.

14 HAVING FULLY and ADEQUATELY answered Plaintiff's Complaint, and
15 raised their affirmative defenses and counterclaims, Defendants pray for the following
16 relief:

- 17 A. Plaintiff's Complaint be dismissed with prejudice.
- 18 B. For a judgment in their favor on the above noted counterclaims.
- 19 C. For an award of Defendants' attorneys' fees, costs and disbursements
20 incurred herein.
- 21 D. For such further and other relief as the Court deems just and equitable.

22 DATED this 21st day of September, 2017.

23 LANDERHOLM, P.S.

24 /s/ Timothy J. Calderbank
25 TIMOTHY J. CALDERBANK, OSB #45682
26 Of Attorneys for Defendants

CERTIFICATE OF SERVICE

I certify that I electronically filed the foregoing Click Here and Type with the Clerk of the Court for the United States District Court, District of Oregon, by using the CM/ECF system on 21st day of September, namely to:

David W. Richardson
PDX Law Group, P.C.
121 SW Morrison St, Suite 1520
Portland, OR 97204

Signed at Vancouver, Washington this 21st day of September, 2017.

/s/ Timothy J. Calderbank
TIMOTHY J. CALDERBANK, OSB #45682